

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE)	CHAPTER 13
)	
GRANT PICARIELLO, and)	CASE NO.: 22-10975-MDC
SARA PICARIELLO,)	
Debtors)	
~~~~~	)	
CAPITAL ONE AUTO FINANCE,	)	
A DIVISION OF CAPITAL ONE, N.A.,	)	<b><u>HEARING DATE:</u></b>
Movant	)	Tuesday, December 13, 2022
vs.	)	10:30 A.M.
	)	
GRANT PICARIELLO, and	)	
SARA PICARIELLO,	)	
Respondent(s)	)	
and	)	<b><u>LOCATION:</u></b>
	)	Robert N.C. Nix Sr. Federal Courthouse,
KENNETH E. WEST	)	900 Market Street, Suite 202
Trustee	)	Courtroom No. 2
	)	Philadelphia, PA 19107

**MOTION FOR RELIEF FROM AUTOMATIC STAY**

AND NOW, comes the above-captioned Movant, Capital One Auto Finance, a division of Capital One, N.A., by and through their attorney, Regina Cohen, who files this Motion based upon the following:

1. The Movant is a corporation having a principal place of business located at 7933 Preston Road, Plano, TX 75024.

2. The Respondents, Grant Picariello and Sara Picariello are an individual with a mailing address at 300 Scheivert Ave, Aston, PA 19014, who have filed a Petition under Chapter 13 of the Bankruptcy Code.

3. On or about June 10, 2020, Debtors Grant Picariello and Sara Picariello entered into a Retail Installment Sales Contract, involving a loan in the amount of \$23,396.05 for the purchase of a 2020 Mitsubishi Mirage G4 Sedan 4D LE 1.2L I3.

4. The vehicle secured by the Contract has V.I.N. ML32F4FJ1LHF08682.

5. Movant is the assignee of the Contract.

6. The above – described vehicle is encumbered by a lien with a payoff in the amount of \$20,559.57 plus other appropriate charges as of November 17, 2022 but subject to change. The regular monthly payment is \$519.76 at an interest rate of 16.67%.

7. Applying payments received to the earliest payment due, payments have been missed post-petition, since April 25, 2022 in the amount of \$3,378.20, plus all applicable late charges, interest, attorneys' fees and costs.

8. The Property has a N.A.D.A. Value of \$15,100.00.

9. The vehicle is not necessary to an effective reorganization.

10. The Movant is the only lienholder of record with regard to the vehicle.

11. In order to proceed with repossession of the vehicle, relief from the automatic stay must be obtained.

12. Failure to make adequate protection payments is cause for relief from the automatic stay.

13. The Movant has incurred attorney's fees in the filing of this Motion.

14. The vehicle is a rapidly depreciating asset. Movant requests the waiver of Rule 4001(a)(3).

WHEREFORE, Movant prays for your Honorable Court to enter an Order permitting the Movant to proceed with the repossession proceedings of the aforementioned vehicle.

Respectfully submitted,  
Lavin, Cedrone, Graver, Boyd & DiSipio

/s/ Regina Cohen  
Regina Cohen  
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